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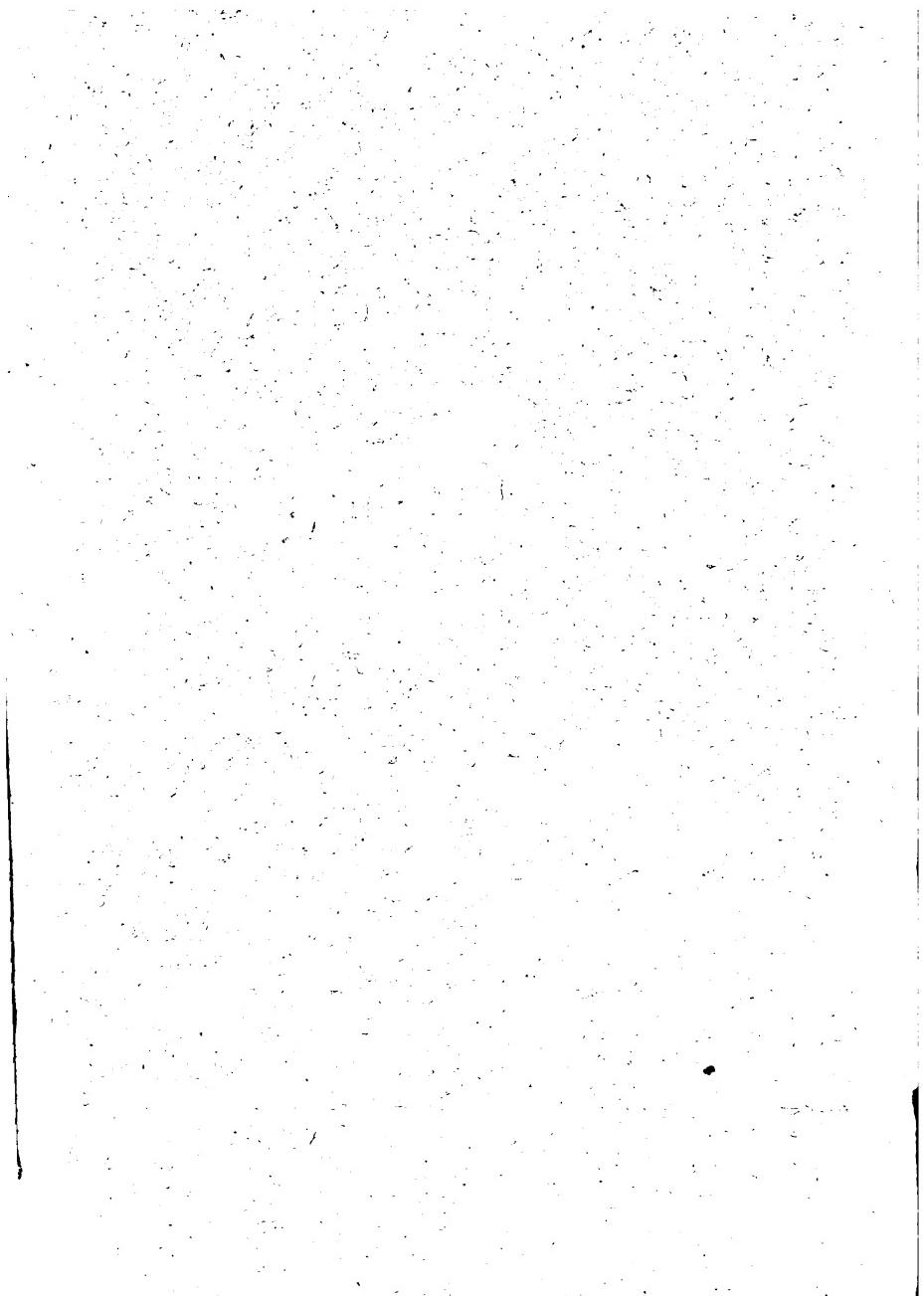
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UNDER THE CHARM OF

"NICKEL SLOTS" IN SALOONS.

A SOCIALISTIC TREATISE

BY

ADOLPH HEPNER,

EDITOR OF THE ST. LOUIS "TAGEBLATT."

1894.

ADOLPH HEPNER, ST. LOUIS, MO.
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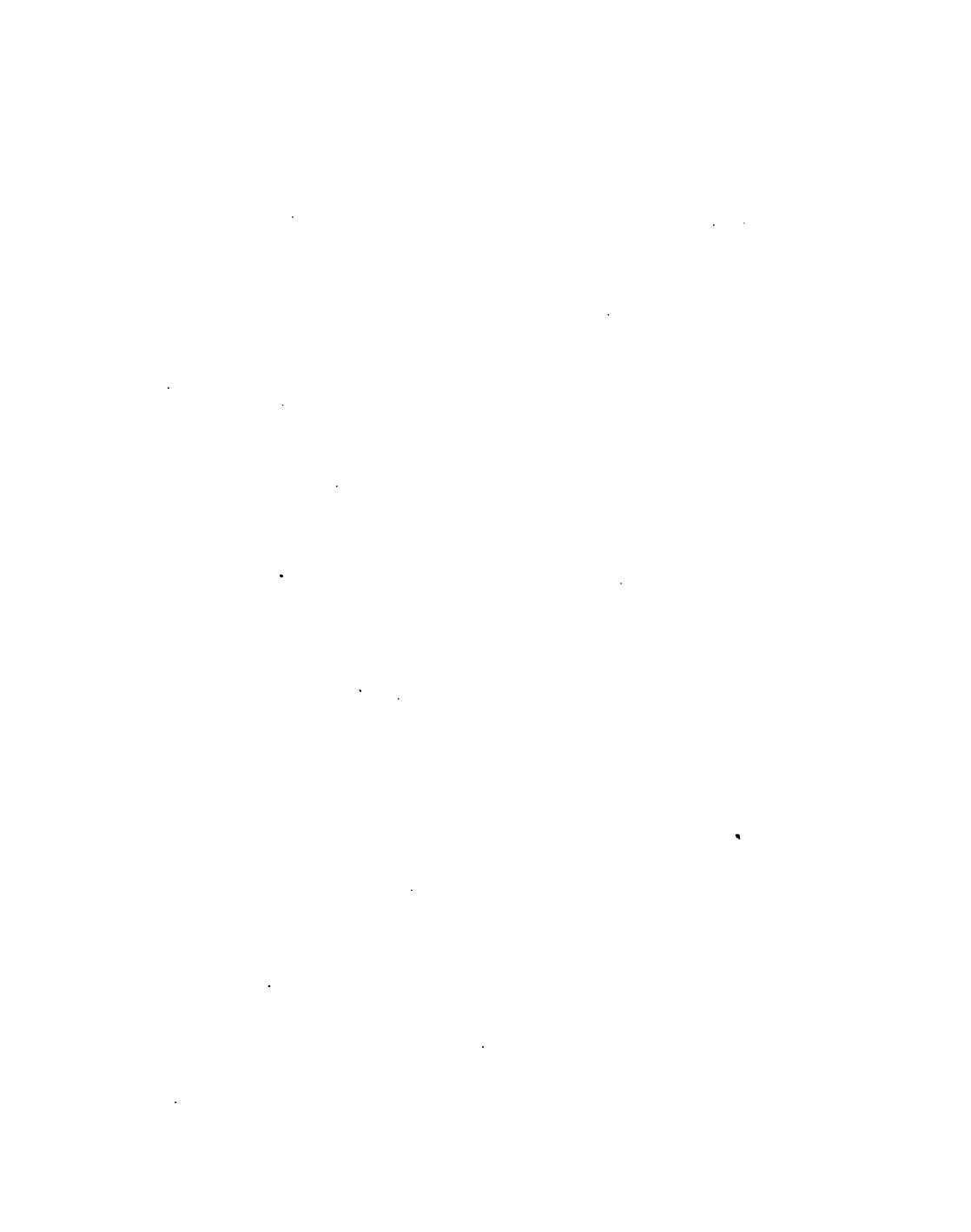
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ADOLPH HEPNER, ST. LOUIS, MO.
311 Walnut Street.



St. Louis, April 20, 1894.

I.

—◀ INTRODUCTORY. ▶—

On the 3rd of March I sent — in agreement with co-workers in the cause of labor and in its behalf — a letter to the Chief of Police of St. Louis, calling the attention of the Police Department to the criminal nuisance of the "Nickel-Slot" or "Bank-Lottery" gambling devices, with the invasion of which in about four-fifths of the saloons, certain drugstores, cigarstores, etc., this community has been stricken for some time.

Ten days later the police arrested several saloonkeepers on that account, to try a "test"-case before the court.

Pending this case the evil complained of, indeed, considerably decreased in the city: not only because certain saloonkeepers, recovering their conscience, became aware of their wrong-doing and removed the slot-machines, but also on account of many wizards, after having dropped their nickels in the slot, recovering their sense.

But the fools will not die out for some time to come, and this country is very large.

The probability therefore exists, that said gambling device, if not, or not intelligently suppressed by virtue of law and common sense and honest feeling of the leading spirits of the toiling masses, may, under a variety of "improved" forms, celebrate its revival orgies at some near future time, here or somewhere else.

Within a very short time, a few months only, the "nickel-slot" has made its way through, and spread over most of the first, second and third class cities of the United

States, and it will not take very long, to set it up also in smaller towns.

With the increase of the area of their field, the "nickel-slot" manufacturers will hold their own, notwithstanding a decrease of their income from places, where their device may loose its attraction.

And should it finally play out, they, or others, will not fail to substitute for it more ingenious scheme.

Lawless elements, like these, after tasting the fruit of such a snug plant and testing the fruitfulness of a pick-pocket device, which so plausibly recommends itself, for popularization, to thousands of heelers of every kind, will not give it up at once.

They have realized, how easy it is, to impose, by conscientiousless promises of "gain", on the thoughtless, and will try to make the best out of their experience.

Therefore we determined, to appeal to the people, and to ask for the suppression of that criminal nuisance.

The trial, indeed, is going on in a St. Louis Court, but the case itself tells a story, in which the whole country is involved.

We invite, therefore, the attention of all organized labor of America to our arguments and their active support.

Moreover, we solicit the co-operation of all honest citizens, should the fee-fed "legal" attorneys of the defendants succeed—as they so often do—to play that customary trick on the law and on the people, to spin, by postponement after postponement, the trial through months and years, and thus to prevent the case from being definitely settled for a very long time.

Each prolongation of the job by fixing a new trial-day involves an additional fee for the attorneys at "law", and there is plenty of money with and behind the saloon-keepers that allows them to say : "We can afford it." In St. Louis, for instance, 15 manufacturers and agents of slot-machines of the city met six weeks ago and put up a *provisional fund of \$750 (\$50 PER CAPITA)*, not only for the *legal defense of their customers*, but with the unconcealed

purpose, to defy the law by any means whatever and to bribe, whoever is open to corruption.

After they had met, they gave to the reporters of the "Republic" and of the "Globe-Democrat" an item, similarly worded, and containing the remark, that "a prominent Republican saloonkeeper, WHO HAS A PULL ON THE ADMINISTRATION" attended their meeting and proposed to raise that fund.

The "Globe - Democrat", a Republican paper, cautiously struck out the line, we quote above.

The boast of these people, that they feel themselves masters of the situation because of their association with a saloonkeeper, "who has a pull on the administration", shows more than sufficiently the boldness of their character and their capability, to buy up, whoever is for sale.

And as their attorney, to represent them before the Police Court, where the trial has to be proceeded with, they retained with not less than \$250, as they told in the mentioned newspaper item, Mr. ASHLEY C. CLOVER, Ex-Circuit Court Attorney, and brother to the City Attorney, who has to represent the City in this case before the Police Court.

Mr. Ashley C. Clover, indeed, asserts, that he is the attorney under a year's contract for one of the slot-machine manufacturers, who in his own business interests demands him to appear before the Police Court, to defend his customers, the saloonkeepers.

But we venture to say, that in view of the special features of this affair, Mr. ASHLEY C. CLOVER might as well have objected to his client, on account of the principle of "public policy", to defend a case, in which his brother acts as Prosecuting Attorney.

A contract becomes null and void in presence of requirements of "public policy".

And we challenge all lawyers of the country to argue why said action of Mr. Ashley C. Clover, Ex-Circuit Court Attorney, son of an ex-Judge and brother to the Prosecuting Attorney of the City, was not "against public policy", and much more so in consideration of the circumstance, that he was moved to his action not by his alleged "contra"

but by the special \$250 retaining fee, not provided for in his "contract".

In his dignity as a high ex-official he thinks he can afford it, to teach the community such a lesson of delicacy and decency, such conception of loyalty to law and order, such an example of public morals, such specific profession of regard to the higher citizenship duties of common usefulness.

When we, by our letter of information to the Chief of Police, on the 3d of March (as stated above), took up this case, we were well aware of these circumstances, viz :

1) That money — and we have none — is a fearful power in America, especially if allied to corruption, and not to be overcome, except by arousing the sweeping indignation of the masses.

2) That this "nickel-slot" gambling and fraud in saloons cannot be treated as a disease *PER SE*, but as a symptomatic one, inherent to the excesses of our capitalistic world system, which in its essential features (of competition in industry and commerce, real estate speculation, mining prospecting, patents monopolization, stock exchange, dealing in futures and other kinds of market "chances") shows, in principle, undeniable characteristics of resemblance to gambling, to a certain degree, at least ;

3) that in this case now before us the carelessness of the authorities, who tolerated the nickel-slots, fully coincided with the general anarchical state of our public offices and the private affairs of the people, that induced the latter to a very lenient judgment of robbery by said variety of gambling ;

4) that the "nickel-slot" nuisance was not a local, but a national one ; and should therefore be resisted from a higher point of view, than of dried legal statutes, and with argumental forces additional to the interference of the police.

5) that we owed the public, and especially the working class, a full explanation of our action in this case, and to state, why we deemed it within the lines of our duty, to single out for a crusade this singular manifest *eruption of capitalistic swindle and popular corruption*

and, furthermore, why we thought, that it must be done expressly and expressively IN BEHALF OF LABOR.

This will be seen in the next chapters.

But for the first we have to state, what the "nickel-slot" is.

II.

What the "Nickel Slot" is.

The "nickel slot" or "bank-lottery" gambling devices are much more wicked than all other ones, because the second party to the game — the proprietor of the machine and his lessee, the saloonkeeper — are always winners without any risk, while the winning chances of the gambler are ridiculously feeble.

Such is the case, at least, with the ..nickel slot", manufactured by Rowell & Co., 1802 Rutger Str., St. Louis. Said respectable citizens of this municipality drew, when their machine, a standing roulette, was still rather a novelty, an income of about \$100 a week from each and every saloon, drugstore, cigarstore, etc., wherever their gambling device had been put up. And the same amount was during certain weeks the netting of the saloon-keeper. For, two holes of the six in the slot, the first and the sixth, receive what is going into the pockets of both the proprietor of the machine and his lessee. They would derive, thus, without any risk whatever, a royalty of one-third of the nickels dropped in the slot, were no additional fraud connected with the scheme.

This standing roulette with its six holes is pinned in a way, that the nickel must take, in the most instances, its run to one of the corner holes. The proprietor or the lessee gets whatever goes into the corners, and should it chance to run into the second or fourth hole (which would make it belong to the winner) it meets on its path to it a a pinned fence, from which it is usually thrown off to the corner hole. So you may drop scores of nickels, before one will run into the winning hole. It has been stated to me by reliable barkeepers, who had to attend this business

for their bosses all the time, that at least 60 of 100 nickels run into the corner holes, 39 in one of the two "bank" holes (third and fourth) and only one in the winning hole (second and fifth).

And now turn again to the gambling individual! At any other gaming device, the "stake" is known, so that the gambler can proportionate with it his "anti". But this he cannot do with the "nickel slot", as he does not know, whether 5 or 50 nickels were dropped and lost, before he came in the saloon.

The gambler now starts with one nickel, in 2 minutes he drops 5 nickels; he gets change for another quarter, then for a half-a-dollar piece. After he has lost a dollar, he bethinks himself:

"I shall recover my dollar, and, by doing so, I shall also get the fifty nickels, that were probably dropped, before I came".

So he lowers another series of 20 nickels and quits with a loss of two dollars.

You see, this gambling device is much more wicked than the older ones, more enticing and more damaging.

"More enticing", because there is always ONE nickel only at the risk, an only one, not more, and everyone, who enters a saloon, has a nickel to spare — no doubt.

But it never rests with the "one" nickel, as everybody knows, whoever witnessed that playing.

"More damaging" also, than the older gambling devices.

A lottery ticket, for instance, one may get to-day, but he would not buy one every day; when he has one or several, his desire or greed for gain is temporarily satisfied, until the drawing of the lottery takes place.

As to races, or some other opportunities for "taking a chance", for betting or gaming (otherwise than for fun), they have also a limitation of occasion and time.

And the genuine "gambling dens" are not accessible to everybody, but only to a certain limited class of sportsmen and inveterate no-goods, who, for their admittance to that selected circle, need some introduction or identifi-

However wrong toleration, by the legal authorities, of all these kinds of gambling may be or is, there can be no comparison between them and the newest, improved species of gambling by "nickel slots."

For in the latter case, there is NO LIMITATION WHATSOEVER AS TO TIME, OCCASION, OR PERSONS.

As we allowed said gambling device to be put up in saloons — and the much more in drugstores, cigarstores, barbershops — we shall have more than 5000 gambling places in this city of 500,000 inhabitants, — one "nickel-slot" for every 20 families, and the whole town turned in one big gambling den.

The other day the police arrested, by request of some of our co-workers, the manager of a cigarstore ("Royal", Chestnut and 6th), where only 6 (six) slot-machines were in operation and about 30 people stood around them, wasting time and money.

This is only a single proof of how a small portion of us could develop this or any other city to the precious spectacle of a gambling community.

The "nickel slot" is even more than a common gambling device; it is a cunning mean trap, because it makes people start with the innocent view of a harmless nickel and lets them go off with the loss of dollars.

And not only this, it invites them urgently, to come back next day, in order to reconcile themselves with their fortune — a feature that is not necessarily connected with other gambling devices. Not every winner, indeed, is "generous" enough, to offer "revenge" to the loser next day; but the "nickel slot" does; it can well afford such "generosity", because its proprietor and lessee are ALWAYS winners, as we saw above. The "nickel slot" stands constantly there with its sacred consolation to the mourner and its promising encouragement to the hopeful:

"I am offering you a chance, to get back your money and much more of it".

Think of the wide range and reach of these hellish little machines with their inducement of winning 5 to 10 dollars with the risk of a sole nickel, an "only one"!

Think of the thousands of inexperienced young men

and the multitude of old fools, that will never get sense, and imagine the amount of havoc in the pockets of people, who, although not fatally hurt by the loss of a nickel, have only very few dollars to spare.

I don't see, how any man, with a sense of justice, can offer a show of excuse for the "nickel slot", especially in the SALOON, open to everybody, and where, moreover, in consequence of the national evil of the senseless "treating" custom at the bar, a man's humor may suddenly be changed to a mood favorable to risk what he carries with him in his pocket on the "nickel slot", although he had at other times no disposition whatever to gamble. And we all know the force that is brought to bear on men by the fear of the reputation of "unsociability."

Therefore, even should there come up a shadow of excuse for the "nickel slot", — which I assert cannot under any circumstance — its charge of criminal nuisance must be maintained in regard to saloons, where "sociable" forces are in operation, that can weaken the best will even of people of otherwise very good disposition.

III.

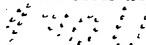
Interest of Progressive Organized Labor in this Affair.

My co-workers in the cause of labor hold unanimously, that gambling in saloons must result in ends

Destructive 1,
of the personal liberty of the citizens in their cherished enjoyments of accustomed sociability ;

Destructive 2,
of the general educational work for the intellectual and social elevation of the masses ;

Destructive 3,
of the most earnest efforts of organized labor to prevent the working class from lowering their standard of life to *one of still unprecedented impoverishment.*



Destructive 4,

of the preparatory emancipation work of progressive organized labor on its march to the evolutionary solution of the problem of our time.

Let me explain, what we wish to be understood in these declarations.

Ad. I.

We propose, to speak out openly, frankly and clearly before our fellow-citizens, our friends as well as our non-sympathizers of every kind, that the American working class of to-day, in their struggle for emancipation, has thrown off the hypocrite's cloak of "prohibition", forced upon them in former times by a class of well-to-do holiness-hunters, "who publicly preach water and secretly drink whisky".

The American working class of our age has accustomed itself to the use of that beverage, which, long ago introduced by German immigration, has proven to be preferable to the fearful national customary drink of earlier times.

Whisky has fortunately been supplanted, to a large degree, by beer. American workingmen heartily enjoy it—who would doubt it? — and, under the constant strain of hard work upon their physical forces, need it badly.

"Prohibition" will not find any further in the ranks of organized labor such support, as the abstinence party could rely on, when the working class looked up to the heroes of "satiated virtue and cash-possessing morals" as their providential leaders, benefactors and protectors.

In one word, this American workingmen's generation is so anti-prohibitionist, as the foreign-born element, and proposes to protect their right of personal liberty, to drink, what they like, for the time, at least, the privilege of enjoying dyspepsia is accorded to all; to every child by devouring hot cakes, to every young women by "gum", to every man by the choicest brands of "chew".

Organized labor will defend, with very good reasons, that light beverage of beer against the native nation &

prohibition, that notoriously engendered and fostered the intemperate, secret use of whisky.

In reality, we want not only the continuance of the liquor traffic, regulated by law, but the control of the liquor industry and traffic by the State, so that spirituous drinks may be used in a way, that shall not be unwholesome to mankind. Progressive labor advocates exclusive operation of the production and distribution of liquors by the Commonwealth, to prevent intemperance.

This we have stated many times in our journals, addresses and programmes before the American people.

Herefrom results, that for the time the liquor traffic by private enterprise and saloons exists, we must insist on **STRICTLY DECENT DRAMSHOPS, law-abiding, and keeping within the lines of the people's necessities.**

But these requirements are not only not regarded, but boldly scorned by such conduct as shown here in the case of introducing gambling devices in saloons.

And aside from all other considerations relating to the case, and to be explained later on, we are determined, to suppress, by all means at our disposal, gambling in saloons, FIRST, in order not to allow the prohibitionists an opportunity, to take a hand in the matter. We wish to deprive them any show of proof from official carelessness, which has so long tolerated the "nickel slot"-business, that saloons logically lead to, or are connected with gambling and criminal conduct, and should therefore be prohibited.

In this behalf we denounce all saloonists, who, from illegal greed of gain and by misuse of their dramshop-license, have put up gambling devices, as injurious and essentially detrimental to the cause of personal liberty, because they make the — otherwise invalid — arguments of prohibitionists more plausible.

We denounce especially those German saloonists, who, well knowing that the German population stand always, in the interest of personal liberty, shoulder to shoulder with them, prove treacherous to the trust of their fellow-countrymen.

The German population has exerted itself, to

throw back and to keep off prohibition not for gambling houses, but exclusively for honest and decent liquor traffic.

Ad. 2.

In our age of general endeavor, to promote educational work among the masses, organized labor is certainly not the last to interest itself and to participate in this task.

From this view we are bound by principle to suppress gambling, because the latter is the very enemy to and even the absolute negative of self-education by learning, reading and good company.

There is no other thing in the world that takes such possession of the human mind and pre-occupies it so exclusively, as gambling; the gambler is liable to be shaken and changed in his whole nature and to lose all the good qualities, he may ever have had before.

The gambler's degradation is perhaps deeper, than the drunkard's, because the latter has sober periods, when he feels ashamed of his doings, and tries to right matters in and outside of his family, while the gambler always is impregnated with his stigma, even in transient periods of abstinence from gaming.

In general we may say, that from the point of humanity we must pity the drunkard, while for the gambler contempt is the only feeling left in us.

For, the sorrows and woes caused by heavy drinking are limited to ONE unlucky family, while the gambler undermines and destroys the happiness of the families of all those enticed by or connected with his game.

A review of the status of common schools and of illiteracy in this country would show, that popular education and popular gambling are irreconcilable contradictions, and that illiteracy is to be found prevailing most, where gambling of the common people is flourishing (Louisiana and other southern states).

If the authorities of this country everywhere show some tenderness as to the gambling dens of the well-to-do class, we don't care much about that. Most of those professional middle class gamblers are worthless creatures, lost to civilization. From time to time they shoot each

for a few luckily chosen ones, that trade on and tread on the stupefied masses; to live with, instead of on each other; to establish a co-operative community instead of corporative immunity; to do away with competitive deals as surreptitious steals; to make every one busy, but the business for common profit; to produce by united forces and to accumulate for the benefit of all, instead of outwitting and outfreezing each other — the first as to the individual share of labor, the second as to the individual share of the product.

As we adhere to these fundamental principles of economical justice, to be realized in the reorganized commonwealth of the future, we must warn the working class, not to participate in such gross injustice against each other, as practised in the nickel-slot scheme, whereby one workingman plunders the pockets of his neighbor, as needy of his nickels, as he himself.

It is hard enough, that labor is stripped, by capital, of its just share in the product. And it will take long enough, to emancipate labor from the tax placed on it by capitalistic private industry, and to establish a co-operative commonwealth.

But in the meantime the laboring class itself, suffering from privations, and compelled to offer servitude, services to a master and to solicit his gracious condescension, to get his riches increased by other peoples' work — in the meantime the laboring class must be satisfied with their subjection to robbery by the private industrial or wage system, and must strictly renounce the pleasure of additional raids on their pockets — and much more of robberies by or against each other, and much more in behalf of the dramshopkeeper and the slot machine manufacturer, who takes more than a half of all the nickels dropped in the slot.

Workingmen see, of course, every day, on the face of many kinds of smart speculating businesses, the stamp of legalized gambling.

But just therefore the labor movement continually *arraigns capitalism as immoral and injurious to mankind, and just therefore progressive labor is in move and mood,*

to depose capitalism from its power to control production and distribution of the necessities of life.

As we fight in general the capitalistic system of exploitation of human labor and of the ownership of unearned property, we should certainly not break up our fundamental principle in behalf of the "nickel slot", and concede to workingmen an opportunity, to exploit each other's folly and weakness.

Such conduct would essentially destroy the foundation, on which progressive labor is building up its monumental state-hood of the future.

We want to educate the masses for the highest purposes of citizenship, for the control of the political and economical affairs of the country; for self-government, to be substituted for the rule of the moneyed class, now in power; for reorganization of society by abolition of wage-slavery.

But popular gambling devices — be they even less fraudulent and dishonest and less childish than those in question here — are liable to train the masses for patiently staying longer in the bonds of capitalistic servitude, and to draw their spirits from nobler aspirations by instilling into their minds deceiving hopes for "chances" of a steal.

Be it therefore remembered:

If progressive labor seeks, as in this case, to suppress popular gambling, we don't take a capricious fancy to antagonize merely said petty low scheme specially, but our arguments are intended to cover the whole field of economical (industrial and commercial) "chances", by which the life of the majority of the people is jeopardized or made miserable and intolerable.

Progressive labor will get out of the "chances" for a living as soon as possible, and have their subsistence guaranteed by a co-operative commonwealth, by common labor and an equal share of the enjoyments of life.

The economical "chances" of to-day principally consist of sneakingly and thievishly outwitting others; taking advantage of the unsophisticated and the helpless by the shrewd and strong; oppression of the inferior by the superior.

This is the main feature of our social life, that presents itself, in its most dangerously developed character, by capitalistic exploitation of individual human labor as well of the collectivist acquisitions of society.

Progressive labor rejects the idea of perpetuating such conditions, under which human subsistence is dependent on "chances" and the grace of fellow-creatures; it repudiates such conditions as indignified and unworthy; it rescinds such social contract as fraudulent and invalid.

Therefore, as we are still powerless, to suppress the higher forms of robbery by "chances", as presented in the capitalistic exploitation of individuals and of the community, we want, at least, to keep the working class from laboring under the illusion, that their poverty-stricken condition, due to chances, also may be open to improvement through chances.

Herewith we believe we have satisfactorily shown the reasons, why progressive organized labor must suppress "nickel slot" gambling in saloons.

Let us now direct our attention to

IV

The Law in Question,

There is probably no State in the Union, that has not provided against gambling, and especially gambling in saloons.

The State of Missouri has an abundance of statute laws on this point, and the City of St. Louis in her ordinances, too.

We will quote here these sections:

A.) REVISED STATUTES OF MISSOURI.

a) As to gambling PER SE.

3808. Every person, who shall set up or keep any table or gambling device commonly called A B C faro, etc., or any kind of gambling table or gambling device, adapted, devised and designed for the purpose of playing any game of chance for money, and shall induce, entice or permit any person to bet or play at or upon....shall be guilty of a felony. Punishment 6 months jail to 5 years penitentiary.

3809. Fine to the gambler (in the sense of the preceding section) 10 to 25 dollars.

3811. Gambling houses prohibited under penalty of 200 to 1000 dollars; and it shall not be lawful to place them under the sanction of law under any pretenses whatever.

3816. Leasing houses for gaming and other immoral purposes — misdemeanor. Fine not exceeding 500 dollars.

3820—23. Duty of any judge and justice of the peace (who has knowledge or receives information that there is any prohibited gaming device kept within his county) to issue warrant, directed to the Sheriff, to seize gaming device, and to arrest its keeper. Officer may break open doors. Gaming device to be destroyed.

(Appendix, Laws especially applicable to the City of St. Louis, Article XXIX "The Police").

27. The acting president of the Board of police commissioners is hereby directed, to issue warrant, directed to some officer of the police, to seize prohibited gambling device, provided that persons arrested under such warrant shall be sent before the judge of the police court, with the charges filed against them.

b) as to dramshops. Chapter 56.

4574. Bond to be given, that the person, obtaining license shall keep at all times an orderly house. (The same "Laws of Missouri" 1891, Dramshops, section 6.)

4585. Every civil officer, having knowledge of the violation of any preceding provisions of this article, shall give information thereof to the grand jury—or if no grand jury be in session — shall arrest any person guilty of such violation and take him before a justice of the peace, etc. etc. (The same "Laws of Missouri" 1891, Dramshops, section 16.)

4597. A dramshopkeeper shall not keep any gambling device. Fine ten to fifty dollars. (The same "Laws of Missouri" 1891, section 28).

5209 and 5213. Money lost at gaming may be recovered by civil action. If minors lose money in dramshops, parents or guardian may recover.

B.) CITY ORDINANCES OF ST. LOUIS.

917. Setting up or keeping gambling device for the purpose of playing any game of chance for money or property, and permitting any person, etc. MISDEMEANOR, fine 10 to 500 dollars.

983. Fine to the gambler 5 to 25 dollars for each offense.

1433. It shall be their (the police's) duty, to report to the Chief of Police on the first Monday of each month, as to whether the dramshops in their respective district are kept in an orderly manner or not, and the same shall be transmitted to the collector (now to the Excise Commissioner).

I have quoted here a variety of not less than 17 of the principal sections relating to our case. The reader will have observed their nonsensical contradictions, as their ridiculous superfluity; they construe gambling as both felony (3808) and petty misdemeanor (City Ordinance), and accordingly impose on it punishment of 5 years penitentiary, respectively a nominal fine of \$10 (City Ordinance). Aside from the regular State and City authorities (Grand Jury, Prosecuting Attorney, Police), that have to arrest and to prosecute trespassers, "every judge and justice of the peace" may issue a warrant against gamblers (3820), and even "every civil officer" (4585) may arrest a dramshop-keeper, who shall not keep an orderly house (for instance, permit gambling).

If by the quotation of these 17 sections. I should have imbued the reader with the impression, that the various law officers neglected seventeen-fold their duties to suppress gambling, I cannot help it, but I am not in the least sorry for what I did.

V.

"WE HAVE MONEY".

Our letter of information to the Chief of Police bears the date of the 3d of March.

Ten days later, on the 12th of March, the Police arrested several saloonkeepers in the districts of the first

and of the second Police Court, to bring a "test" case before the Courts.

As further mentioned in our "Introductory", the manufacturers and agents of the different slot machines met for the purpose of combined flight against the law, and retained the City Attorney's brother, to defend, on their own account, all cases coming under the head of slot machine gambling before the Police Court, in which the City Attorney acts as Prosecuting Attorney.

And the first move, the defence decided on, was

a) not to allow the first Police Court (Judge Morris), to take a hand in it, but to get the "test" case removed from the first to the second Police Court (Judge Paxson), whom they, indeed, meant essentially to honor with their confidence, and their expectation, that he might look more friendly to their criminal pursuits;

b) not to allow the second Police Court to try the case so soon, but to have matters delayed as long as possible, in order to take in a full crop from continuance of business for weeks and months.

They were, moreover, satisfied, that the Police Department would not be so harsh against them, to seize, by virtue of section 27, Appendix to the Rev. St. of Missouri (quoted above), their slot machines, before a Court handed down a decision against defendants.

With respect to all these circumstances the defendants fully carried their point.

In the first Police Court the case was postponed on the 24th of March to the 3d of April; in the second Police Court on the 31st of March to the 7th of April; then, on the 3d of April, the defendants removed, through that popular misuse of "change of venue", their case from the first to the second Police Court, and on the 7th of April they got in the second Police Court another postponement to the 14th of April. At this juncture (20th of April) the case is still pending in the second Police Court, as it has been postponed on the 14th to 28th of April.

That makes, all in all, five postponements, without any justifiable cause.

'Change of Venue" is obtained by "affidavit of the defendant, supported by two reputable citizens", "that the judge will not afford him a fair trial". (Section 4774, Rev. St. of Missouri).

But the fact is, that 95 out of 100 such affidavits of justice loving "reputable citizens" are sworn to by persons who either never knew the judge, before whom the case was to be tried, or never learned anything, that entitled them to impeach him for that trial.

The judges, as a rule, silently submit to such "contempt of court", and dislike to impugn ostensible tricks for "change of venue", because they know that this malpractice of law, like many others, holds traditional popularity among lawyers.

Many judges and ,prosecuting attorneys were a long time in the law "business", before they became officials and many intend to take up the law practice, when their term expires.

This consideration holds good also in explanation of the every day misusage of motions to postpone trials, much more in civil suits, where the attorneys of both parties are in conspiracy for drawing additional fees from their clients, especially when the amount of the litigation is so small that they couldn't charge more than \$25 for "retainer".

In our case, of course, the defendants had no complaint of their attorney on account of the 5 new trial days, but, on the contrary, he acted in their interest; each and every postponement of the trial amounted to a new "ticket of leave" for the "nickel slot".

But the people were the losers, especially the poorer elements of the community, and, indeed, the victims of a conspiracy carried out with the aid of the Court and consent of the City Attorney.

The postponements of the trial allowed the owners of the slot-machines to continue their robberies from the 24th of March until the 28th of April, at least.

The Courts and the City Attorney became, by their disregard of the interests of the people, and their favoring

the baseless motions to postpone the case, accomplices to the maintenance of the "nickel slot" in St. Louis.

If the blame for all this attaches first to the manufacturer and agent and then to the saloonkeeper, the fault of the latter's continuance in it must be laid at the doors of the Courts and the City Attorney, brother to the attorney for the defense, since the latter entirely succeeded in bringing justice to a standstill for a certain time.

This skill of lawyers, to throttle the law by "legal" tricks, to levy the most oppressive cut-throat tax on people, who have to go in or before Court, to obstruct the path to truth by outrageously abusing witnesses to the other party on the stand, to delay trials by whatever indecent means for more fee extortioning purposes — this has made the American lawyer obnoxious and offensive to organized labor. For instance, the Order of the Knights of Labor, from the start excluded him from admittance to membership, together with the banker and the saloonkeeper, denouncing either their vocations, in general, as noisome to the public welfare, or their conduct of business (with exceptions, of course) as immoral.

To be sure, the "nickel slot" will anything but better the reputation of the saloon business within the ranks of organized labor. It has embittered those, who sustained the saloon for the cause of personal liberty. They see now the license misused for gambling purposes. It has embittered them much more on account of that as if it were a self-constituted, frivolous claim of saloonkeepers to a right of laying nickel-traps for fools and the simple-minded.

Progressive organized labor had an old grudge against "saloonkeepers in politics", influencing the election vote by drinks out of the treats of candidates, and usurping an undue share in the administrative control of the municipality. The "nickel slot" will certainly not help them to mitigate these charges.

But while what offensiveness adheres to the saloon, was created or maintained with the aid of the people and can be suppressed also by the good will of the people, the lawyer's objectionable conduct has to be reprimanded and

improved by the Court. And, if the Court stoops to be the lawyer's silent ally, or even his obedient servant, in humbugging the law and perpetuating anarchy, what confidence in the legal authorities, in the administration of law, is then to be expected from the people?

When one of the saloonkeepers, in conversation with a slot-machine manufacturer, newly referred to the pending nickel slot suit before the Police Court and suggested, that this business might be stopped — for a while, at least — to save trouble, the manufacturer laughingly answered:

"Never mind, WE HAVE MONEY!"

In truth, we don't think, that any of the officials, connected with the trial, have been suspiciously approached, but this boast alone of "We have money" shows the criminal character of the line of defence as clearly, as its indecency.

INTENT of bribery was evident from the start, by the \$250 retainer to the brother of the Prosecuting Attorney.

VI.

The Law and the Two "Bars".

The general impression of this affair may, without violence to the logic of the facts, be defined thus:

1) The Police shrink from any earnest effort to make saloonkeepers obey the law against gambling, because they are afraid of "political influence", the liquor-trade commands, through the ward-bosses of the old parties, in the community.

2) The control of many Courts by the "bar" of the barristers, that fearful wreckage of justice everywhere in the U. S. by the utmost recklessness of grasping lawyers, is a calamity of much more gravity, than any excesses by licensed keepers of a "bar".

For, if it must be, we can do without saloons, but we could'nt do without counsellors at law.

If our authorities, with their traditional sense of disrespect to "law and order", are in so much sympathy with gambling saloons as to let them carry on, in the

interest of capitalism and demoralization, their criminal business, the decent elements of the people may determine, to keep away from such resorts.

Organized labor has been boycotting non-union beer; we could very well apply the same medicine to gambling saloons, and I have no doubt, that such a system will be followed by sweeping effects.

But the vocation of legal attorneyship is an essential element of our politico-economical body. We need advice in law and legal help in common life as well as before the Court. The practice of law must, therefore, remain a profession. We cannot do without it; we cannot renounce resorting to it, as we might, perhaps, in regard to saloons.

Therefore, we shall either have to abide with the farce-comedy of "justice" through the Courts of this Republic, or make the American law profession an honest one, divested of its ugly features and those noisome qualifications, that have characterized it until this time.

VII.

Mistakes of the Police.

In our letter of information to the Chief of Police, (of the 3rd of March) we took special care, as we thought, to strike a chord, that wouldn't sound unpleasantly in the ears of the officers of the department.

We didn't indulge in criticizing them, as in this publication, for their implied complicity, by toleration, of the gambling in four-fifths of the saloons, but we tried to call forth from them an expression of that good feeling, they showed a few months ago, when they raised, by means of a well-managed big charity concert a handsome fund, to give aid, during the winter, to destitute people in cases that didn't admit any delay of help.

We suggested, that from the same good disposition which made the police, then, volunteer to lend a helping hand to the needy, they might also feel like preventing poor people now from being further robbed by the "nickel-slots".

In this way we started our "crusade", with the hope that such an argument would meet with cordial support on every side.

The Chief of Police immediately mailed us the following answer :

Adolph Hepner, Editor "St. Louis Tageblatt", City.

Dear Sir--

I have received your letter in regard to "bank-lottery devices", now in many saloons.

I am leaving the city to-day, but I have given Chief of Detectives Desmond orders to gather all the facts in some of these cases, lay them before the Prosecuting Attorney, and see if they cannot be prosecuted in the courts.

Respectfully
L. Harrigan, Chief of Police.

10 days later — just a few moments before the news of the arrests of certain saloonkeepers for a "test"-case reached us — we mailed another letter to the Police Department, in response to Chief Harrigan's answer of the 3rd of March.

In this second letter we spoke frankly of our disappointment as to the attitude of the Police. We intimated that we felt dissatisfied with the course, the Police Department seemed to have taken in the matter.

We didn't conceal our astonishment, that the Chief should have given "orders, to gather all the facts", while they must have been thoroughly known to the Police Department long before, even through the monthly reports of the policemen on the saloons of their districts.

We referred, in this regard, to an order, issued by the Police Department to its officers in February, to keep a sharp look out on certain desperadoes, who made breaking up and robbing slot-machines in the saloons a specialty of their own.

We urgently requested the Police Department in the interest of the poor people, to do, what lay in their *legit power, to suppress the nickel-slot robbery as quickly as possible.*

We intimated also, that the manufacturer of the lot-machine "sets up the gambling device" in partnership with the saloonkeeper; that the manufacturer (or his agent in this city) is the main culprit, not the saloonkeeper, his partner. The manufacturer, who carries on the most extensive wholesale gambling business, should first be indicted and punished, instead of the saloonkeeper.

The Police Department, of course, did not send an official reply to this second letter, but some of their most responsible officers assured some of our friends, that we could rely on the Police; the law would not prove a failure this time; we would only have to wait for the trial in court.

So we quietly waited; but without avail.

The Police Department did not do anything to push their cases; they acquiesced in all postponements. They did not even seek for the interference of the Mayor who, *EX OFFICIO*, is the President of the Board of Police Commissioners, and has jurisdiction over the Police Courts and the City Attorney.

But there is, of course, some allowance to be made to a question, if the Mayor cared to interfere, and had he been addressed in this behalf.

Mayor Walbridge appointed, only two months ago, Mr. Clover City Attorney, to succeed one, whom he removed for cause.

Mr. Clover is Mayor Walbridge's own selection, made to the effect, to show the skill and purity of Mr. Walbridge's municipal administration.

But, alas, under this glorious administration, the city is turned into a gambling community—under the eyes of the "authorities of law", the "pillars of order" and "columns of society".

THE END.

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